

Amend Section 45-101 to read:

## **45-101 DEFINITIONS**

**45-101**

The following definitions shall apply to the terms used in the AFDC-FC Program:

- (a) (1) (Continued)
- (h) ~~Reserved~~ (1) Healthcare Practitioner is defined as any individual provider who is licensed or otherwise authorized by the State in which the provider is located to provide services related to physical or mental health and is providing such services within the scope of his or her practice.
- (i) (Continued)
- (l) (1) Legal Guardian means the individual appointed permanent or temporary guardian of the person or of the person and estate of a child by a California court pursuant to Probate Code Section 1514 or 2250, ~~or Section 1440 if guardianship was established prior to January 1, 1984,~~ or Welfare and Institutions Code Section 360 or 366.265(e), ~~or 728,~~ or registered pursuant to Family Code Section 3445 and 3446. Legal Guardian, as defined above, also includes a person who was a guardian on the child's 18<sup>th</sup> birthday while the child was a minor and who continues to provide support to the nonminor.
- (m) (1) (Continued)
- (2) Mutual Agreement is defined as either of the following:
  - (A) A written voluntary agreement of consent for continued placement and care in a supervised setting between a minor or a nonminor dependent and the county welfare or probation department or Tribal Title IV-E Agency responsible for the foster care placement that documents the nonminor's willingness to:
    - 1) Work collaboratively with the placing agency on his or her case plan.
    - 2) Report any changes to his or her circumstances which may affect eligibility for foster care payments, and
    - 3) Remain in supervised out-of-home placement under the jurisdiction of the juvenile court and under the placement and care responsibility of the county welfare or probation department, or Tribal Title IV-E Agency.

(B) An agreement between a youth in receipt of AFDC-FC payments under Subdivision (e) or (f) of Welfare and Institutions Code section 11405 and the agency with AFDC-FC payment responsibility.

(n) (1) Nonminor Dependent (NMD) means:

(A) A person who is a current dependent child or ward of the juvenile court, or is under transition jurisdiction of the juvenile court, who attained age 18 while under an order of foster care placement, is under 21 years of age, is under the responsibility of the county welfare or probation department or Tribal IV-E Agency, and has a transitional independent living case plan as referenced in Welfare and Institutions Code section 11403.

(B) For the purpose of determining eligibility for AFDC-FC payments, nonminor dependent includes a person who is a former dependent child or ward of the juvenile court, is between 18 and 21 years of age, is eligible to reenter foster care under Welfare and Institutions Code sections 388(e) or 388.1, and has signed a voluntary reentry agreement.

~~(42)~~ (Continued)

(p) (1) Participation Requirement means any of the five education and employment conditions as described in Welfare and Institutions Code Section 11403(b)(1)-(5).

~~(42)~~ (Continued)

~~(23)~~ (Continued)

~~(34)~~ (Continued)

~~(45)~~ (Continued)

~~(56)~~ (Continued)

~~(67)~~ (Continued)

~~(78)~~ (Continued)

~~(89)~~ (Continued)

~~(910)~~ (Continued)

~~(1011)~~ (Continued)

- (r) (1) Re-entry into foster care means the process through which a nonminor signs a Voluntary Re-entry Agreement for Extended Foster Care - SOC 163 (Rev. 7/18), which is incorporated by reference, pursuant to Section 45-101(v)(3) and/or court jurisdiction is resumed pursuant to Welfare and Institutions Code sections 388(e) or 388.1.
- (42) (Continued)
- (23) (Continued)
- (s) ~~Reserved~~(1)Supervised Independent Living Placement (SILP) means an independent supervised setting, as specified in a nonminor dependent's transitional independent living case plan, in which the youth is living independently.
- (t) (1) (Continued)
- (3) Transitional Housing Placement (THP) program for nonminor dependents means a placement that offers supervised housing opportunities and supportive services to eligible nonminor dependents who are in out-of-home placement under the supervision of the county. The THP must be certified by the applicable county to serve nonminor dependents and licensed pursuant to Health and Safety Code section 1559.110.
- (4) Transitional Independent Living Case Plan means the nonminor dependent's case plan, updated every six months, which describes:
- (A) The goals and objectives of how the nonminor dependent will make progress in the transition to living independently and assume incremental responsibility for adult decision making;
- (B) The collaborative efforts between the nonminor or nonminor dependent and the social worker, probation officer, or Indian tribe;
- (C) The supportive services as described in the transitional independent living plan (TILP) to ensure active and meaningful participation in one or more of the eligibility criteria described in sections 45-310.181 through .185;
- (D) The nonminor dependent's appropriate supervised placement setting; and

(E) The nonminor dependent's permanent plan for transition to living independently, which includes maintaining or obtaining permanent connections to caring and committed adults.

(5) Tribal Title IV-E Agency means an agency as defined by Section 31-002(t)(11).

(u) (Continued)

(v) (1) (Continued)

(3) Voluntary Re-Entry Agreement for Extended Foster Care – SOC 163 (Rev. 7/18) is defined as a written voluntary agreement for continued placement and care in a supervised setting between a nonminor dependent and the county welfare or probation department or Tribal Title IV-E Agency responsible for the foster care placement that documents the nonminor's willingness to:

(A) Work collaboratively with the placing agency on his or her case plan,

(B) Report any changes to his/her circumstances which may affect eligibility, and;

(C) Remain in supervised out-of-home placement under the placement and care responsibility of the county welfare department, probation department, or Tribal Title IV-E Agency.

Authority cited: Sections 10553, ~~and 10554~~ and 11403(i), Welfare and Institutions Code.

Reference: Sections 1502(a)(1), ~~1505, and 1516, (Senate Bill 855, Chapter 664, Statutes of 2004),~~ Health and Safety Code; Sections ~~360, 361.2(g), 361.3 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997 and as further amended by AB 2773, Chapter 1056, Statutes of 1998), 303(c), 309, 360, 361.2(g), 361.3, 362.7, 366, 366.21, 366.26, 366.3, 727.1, 11400(b), 11400(h), 11400(m), 11400(n), 11400(r), 11401(b), 11401(e), 11402, 11403.01, 11403.2(a)(1), 11404.2, 11466.24, and 16507.5(b), and 16522.1(d)~~ Welfare and Institutions Code; Sections 7660 et seq., 7800 et seq., and 7911.1, Family Code; Section 2250, Probate Code; 45 CFR 1356.21(d); ~~Public Law 95-608; 25 U.S.C. 1915~~ 25 U.S.C. 1915; and 42 U.S.C. 606.

Amend Section 45-201 to read:

## **45-201 GENERAL AFDC-FC REQUIREMENTS**

**45-201**

.1 (Continued)

~~.11 The age requirements of Chapter 42-100;~~

~~.111 When a child who is in foster care reaches age 18, the child shall continue to be eligible for AFDC-FC up to age 19, provided all the following conditions are met:~~

~~(a) The child was receiving AFDC-FC and attending high school or a vocational technical training program on a full-time basis prior to reaching age 18;~~

~~(b) The child continues to:~~

~~(1) Meet the AFDC-FC eligibility requirements of this section;~~

~~(2) Reside in foster care;~~

~~(3) Attend on a full-time basis either a high school or, if he/she has not completed high school, a vocational technical training program which cannot result in a college degree as specified in Section 42-101.2 provided he/she is reasonably expected to complete either program before reaching age 19. Full-time attendance must be defined and verified by child's school.~~

~~(c) The child and the placement agency have signed a mutual agreement which documents the continued need for foster care placement. The agreement shall be signed prior to or within the month the child reaches age 18. A mutual agreement shall not be required if the placement is due to a court order which remains in effect or if the child is not capable of making an informed agreement. If the court order is dismissed subsequent to the month in which the child reaches age 18, a mutual agreement must be executed within the month the dismissal occurs.~~

~~(1) The income maintenance case record shall contain a statement from the placement worker, on the FC 2, which certifies that the mutual agreement or the court order is in the services case record or that the child is not capable of making an informed agreement. This certification shall occur prior to or within the month the child reaches age 18 and at redetermination of the child's AFDC-FC eligibility.~~

.121 (Continued)  
    .1211 (Continued)  
    .1212 (Continued)  
.132 (Continued)  
.143 (Continued)  
.154 (Continued)  
.165 (Continued)  
    .1651 (Continued)  
    .1652 (Continued)  
    .1653 (Continued)  
    .1654 (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 361.21, 366.25, 366.3, 727.1, 11008.15, 11155.5, 11400(b), 11401(b), 11402, 11403, ~~and~~ 11404.1, and 16516.5, Welfare and Institutions Code; Sections 7911.1 and 17552, Family Code; 42 U.S.C. 672(a); and 45 CFR 1356.21(d).

Amend Section 45-202 to read:

**45-202        FEDERAL AFDC-FC PROGRAM**

**45-202**

.1        (Continued)

.5        (Continued)

.51       (Continued)

.52       (Continued)

.521    An approved Resource Family Home, as defined in subdivision (c) of Welfare and Institutions Code section 16519.5.

.522    A short-term residential therapeutic program as defined in Welfare and Institutions Code section 11400(ad).

.5243 (Continued)

Authority cited:        Sections 10553 and 10554, Welfare and Institutions Code.

Reference:            Sections 366.26, 11400(ad), 11400(m), 11400(o), 11401(b) and (e), 11401(f), 11402, 11402.1, ~~and 16507.4, and 16519.5~~, Welfare and Institutions Code; Sections 7660 et. seq., 7800 et. seq., and 7911.1, Family Code; Section 1505, Health and Safety Code; ~~Public Law 95-608; 25 U.S.C. 191500 et. Sseq.; Public Law 96-272; 45 CFR 1356.30; 42 U.S.C. 606; 42 U.S.C. 671; 42 U.S.C. 672(a)(2) and (4); Sections 80072, 84072, 84072.1, and 84072.2, Title 22, California Code of Regulations; Capitola Land et al. v. Anderson, 55 Cal. App. 4th 69, 63 Cal.Rptr.2d 717, (1997); and Anderson v. Superior Court, 68 Cal.App. 4th 1240, 80 Cal.Rptr.2d 891, (1998).~~

Amend Section 45-203 to read:

**45-203        STATE AFDC-FC PROGRAM**

**45-203**

.1        (Continued)

.4        (Continued)

.41       (Continued)

.411 through .418    (Continued)

.419    An approved Resource Family Home, as defined in Subdivision (c) of Welfare and Institutions Code section 16519.5.

.420    A short-term residential therapeutic program as defined in Welfare and Institutions Code section 11400(ad).

.42       (Continued)

Authority cited:       Sections 10553 and 10554, Welfare and Institutions Code.

Reference:            Sections 366.26, 11400(g), ~~and (h), and (ad)~~, 11401(c), 11401(e), 11402, ~~and 11402(c) and (d), and 16519.5~~; Welfare and Institutions Code; Sections 7660 et seq., 7800 et seq., and 7911.1, Family Code; and ~~Public Law 95-608~~, 25 U.S.C. 1915.



Adopt Section 45-310 to read:

**45-310**     **GENERAL EXTENDED FOSTER CARE (EFC)**  
**PROGRAM REQUIREMENTS**

**45-310**

.1    The nonminor dependent shall meet:

.11   The following age requirements

.111 The nonminor dependent shall be at least 18 years of age and not more than 21 years of age.

.12   The property requirements of Section 45-201.12 and Section 42-201

.121 When the nonminor dependent has left foster care and re-entered extended foster care after he/she has reached at least 18 years of age, only the nonminor dependent's property shall be considered in any eligibility determination.

.13   Residence

.131 In order to be eligible for AFDC-FC, a nonminor dependent must be a resident of California.

.132 A nonminor dependent who is either under court jurisdiction in California or has signed a Voluntary Re-Entry Agreement for Extended Foster Care – SOC 163 (Rev 7/18) is considered to meet residence requirements even if living out of state.

.14   The citizenship and alienage requirements in Section 42-430:

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.141 Information related to citizenship and alienage requirements is provided within in All County Letters 98-34 and 99-43.

**HANDBOOK ENDS HERE**

.15   The social security enumeration requirements in Section 40-105.24.

.16   The income requirements in Chapter 44-100 and Section 45-201.15.

.161 When the nonminor dependent has exited foster care after he or she has reached at least 18 years of age and re-entered extended foster care, only the nonminor dependent's income shall be considered in an eligibility determination.

.17 For any youth under the age of 19, the child support requirements of Section 45-201.3.

.18 Education and Employment Requirements

In order to be eligible for extended foster care benefits, the nonminor dependent must meet at least one of the five requirements in subsections .181 through .185:

.181 Secondary Education

- (a) The nonminor must be enrolled in a program of secondary education or a program leading to an equivalent credential such as a diploma, degree, or certificate.
- (b) Programs include, but are not limited to, a public high school, charter high school, an alternative high school, a nonpublic school, adult education classes, or any other course of study leading towards completion of a high school diploma, General Equivalency Degree, High School Proficiency Certificate, or High School Completion Certification.
- (c) Enrollment is deemed continuous during any summer or other scheduled break in the school program.

.182 Post-secondary or Vocational Education

- (a) The nonminor dependent must be enrolled at least half-time in an institution which provides post-secondary or vocational education.
- (b) Enrollment in any for-credit or non-credit courses at an institution shall be included as qualifying under this requirement. Formal admission to an institution is not required and includes situations where a student is enrolled in individual courses. Courses taken at any institution which is licensed or otherwise authorized to operate in the state of California or taken at a comparable institution located and licensed or otherwise authorized to operate in another state, will count towards the participation requirement.
- (c) Enrollment is deemed continuous during a summer or other scheduled break in the school program. This provision also applies

to participants who are awaiting an admissions determination or pending enrollment in courses.

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- (d) NOTE: If a student drops courses mid-term (whether considered voluntary or involuntary), this does not result in automatic disqualification from benefits so long as the youth would qualify under another category of eligibility, or is incapable of participating, as described below in Section 45-310.185.

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#### .183 Employment

- (a) The nonminor dependent must be engaged in full or part-time employment activities which include, but are not limited to, paid employment, paid internships or apprenticeships, Ticket to Work (for individuals receiving Supplemental Security Income), vocational rehabilitation, or work study programs.
- (b) As long as the nonminor dependent is scheduled to work at least 80 hours per month, he/she shall be deemed to meet this participation condition even if the nonminor dependent does not actually work that number of hours due to holidays, illness, excused absences or other circumstances beyond the nonminor's control.

#### .184 Participating in a Program or Activity Designed to Promote, or Remove Barriers to, Employment

- (a) A program or activity designed to promote, or remove barriers to, employment is an individualized program based on a youth centered assessment of skills and needs. Such activities may include, but not be limited to, unpaid employment, volunteer activities, and unpaid intern or apprenticeships. These activities may be self-directed, completed in conjunction with the youth's caregiver or case manager, or part of an organized program.
- (b) A nonminor dependent shall be considered participating in a program or activity designed to promote or remove barriers to employment as long as the youth is participating in an Independent Living Program activity or other program that facilitates the youth's progress in reaching a goal(s) on his or her Transitional Independent Living Plan (TILP) as defined in Section 31-002(t)(4).

- (c) Participants who are enrolled in post-secondary education or vocational training at less than half time, but in at least one course, may qualify for benefits under this category if the course works to remediate the barriers to employment.
- (d) Participation in programs for drug or alcohol addiction treatment will meet this participation criterion.

.185 Incapable of Meeting or Participating in previous subsections .181 through.184

- (a) Medical conditions that render a nonminor incapable of doing any of the activities described in subsections .181 through .184 include both short-term and long-term medical conditions, as verified by a Healthcare Practitioner.
  - (1) If a nonminor dependent does not undertake remedial measures to treat a verified medical condition, he/she will still be deemed to have a qualifying medical condition under this subparagraph.
- (b) When a nonminor dependent has a medical condition which renders him/her incapable of participating in any of the activities described in subsections .181 through .184 and is eligible for a disability program including, but not limited to, Supplemental Security Income, Social Security Disabled Adult Child benefits, State Disability Insurance, or Regional Center Services, verification of disability benefits status may include an award letter, notice of action, copy of a check or benefit identification card.

.19 Authority for Placement

.191 A youth who remains in Extended Foster Care (EFC) past his or her 18<sup>th</sup> birthday, must:

- (a) Remain under the jurisdiction of the court; and
- (b) Sign a Mutual Agreement for Extended Foster Care – SOC 162 (Rev. 7/18), which is incorporated by reference, agreeing to continue placement and care in a supervised setting, as soon as he/she turns 18 but not later than six months after his/her 18<sup>th</sup> birthday, unless 45-310.19(c) applies.

- (c) If the youth has been determined to be incapable of making an informed agreement, no SOC 162 is required and the income maintenance case record shall contain documentation identifying who determined that the youth is incapable of making an informed agreement.

.192 A youth re-entering extended foster care must sign a Voluntary Re-Entry Agreement For Extended Foster Care – SOC 163 (Rev. 7/18) pursuant to Section 45-310.3.

## .2 Payments

### .21 Continuation of Aid

.211 If a nonminor dependent was receiving federal or nonfederal foster care prior to age 18 and continued in foster care after his/her 18<sup>th</sup> birthday, the nonminor dependent continues to be eligible for federal or nonfederal foster care without a new eligibility determination.

.212 For a nonminor dependent who has been in one continuous out-of-home placement, payment shall continue without a break in aid.

### .22 Beginning Date of Aid Upon Re-entry into Foster Care

.221 For a nonminor dependent who is eligible to re-enter foster care by filing a petition for re-entry pursuant to Welfare and Institutions Code section 388(e) or 388.1, the beginning date of aid shall be the date both of the following conditions are met:

(a) The Voluntary Re-Entry Agreement For Extended Foster Care – SOC 163 (Rev. 7/18) is signed by the nonminor dependent and/or the court issued an order granting the petition to re-enter foster care; and

(b) Placement into an eligible facility listed in Section 45-202.5 or Section 45-203.4 or into a supervised independent living placement, as defined by 45-101(s)(1).

### .23 Suspension

.231 EFC benefits shall be suspended when:

(a) The nonminor dependent no longer resides in an eligible facility listed in Section 45-202.5 or Section 45-203.4 or in a supervised independent living placement, as defined by 45-101(s)(1).

- (b) The nonminor dependent requests that payments be terminated.
- (c) The nonminor dependent no longer meets any participation criteria described in Section 45-310.18.

.24 Termination

.241 EFC benefits can only be terminated:

- (a) When the court has dismissed the dependency, delinquency, or transition jurisdiction pursuant to a Welfare and Institutions Code section 391, 452, or 607.2 hearing, or
- (b) The day before the nonminor dependent's 21st birthday.

.25 Redetermination

.251 The county shall review the nonminor dependent's payment amount annually. The review shall include an examination of any circumstances of the nonminor dependent that are subject to change and could affect the nonminor dependent's potential eligibility or payment amount, including, but not limited to, authority for placement, eligible facility, and age.

.252 The eligibility worker shall review the Six-Month Certification of Extended Foster Care Participation – SOC 161 (Rev. 9/11), which is incorporated by reference, for applicable eligibility conditions. Payment on behalf of the nonminor dependent shall not be delayed or terminated based solely upon the lack of receipt or review of the SOC 161 by the eligibility worker.

.26 County of Payment Responsibility

.261 The county having court jurisdiction of the nonminor dependent, regardless of the county in which the nonminor dependent resides, shall have payment responsibility. Upon transfer of the court case pursuant to Welfare and Institutions Code 375, the payment case shall be transferred pursuant to intercounty transfer regulations at Sections 40-187 and 188.

.3 Re-entry into Foster Care Placement after age 18

.31 For any nonminor eligible to re-enter EFC, the following requirements must be met in order to initiate an AFDC-FC payment:

.311 The county and nonminor must enter into a Voluntary Re-Entry Agreement for EFC. The youth's signature on the Voluntary Re-Entry Agreement for Extended Foster Care – SOC 163 (Rev. 7/18) will indicate his/her initial agreement to satisfy one of five participation conditions of EFC and will continue to satisfy that requirement pending completion of the TILP that documents continuing participation.

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NOTE: Pursuant to Welfare and Institutions Code section 11401.1:

- "(b) Beginning on January 1, 1982, AFDC-FC payments for children placed voluntarily on or after January 1, 1981, shall be limited to a period of up to 180 days under conditions specified by departmental regulations, and may be extended an additional six months pursuant to Section 16507.3 and departmental regulations.
- (c) On and after January 1, 2012, AFDC-FC payments for nonminor dependents, who reentered foster care placement by signing a voluntary reentry agreement pursuant to subdivision (z) of Section 11400, shall be limited to a period not to exceed 180 days. The county child welfare services department or probation department shall file a petition pursuant to subdivision (e) of Section 388 within 15 judicial days of the signing of the agreement to have the nonminor declared a nonminor dependent of the juvenile court in that reentry and remaining in foster care is in the best interests of the nonminor."

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#### .312 Age Requirements

- (a) A nonminor may receive payment through the day before his/her 21<sup>st</sup> birthday.

#### .313 Foster Care Status Prior to Re-entry

Prior to re-entering foster care, the youth must be described by one of the following:

- (a) The former dependent or ward of the juvenile court had an order for foster care placement on his/her 18<sup>th</sup> birthday, or

- (b) The former ward of the juvenile court must have been in a foster care placement on his/her 18<sup>th</sup> birthday in order to be eligible for federal participation in the foster care maintenance payment, or
- (c) The former dependent or ward of the juvenile court is a nonminor who received aid after attaining 18 years of age under extended Kin-GAP and whose guardian(s) died after the nonminor attained 18 years of age, but before he/she attains 21 years of age, or the guardian has stopped providing support and payment has stopped, or
- (d) The former dependent is a nonminor who received adoption assistance payments after attaining 18 years of age and his/her adoptive parent(s) died after the nonminor attained age 18 years of age, but before he/she attains 21 years of age, or the adoptive parent(s) has stopped providing support and payment has stopped; or
- (e) The ward of a legal guardianship established by the juvenile court who received AFDC-FC after attaining 18 years of age and whose guardian(s) died after the nonminor attained 18 years of age, but before he/she attained 21 years of age, or stopped providing financial support and payment has stopped.

.315 Marital status has no effect on eligibility for EFC benefits.

.316 A nonminor who is on active duty with any branch of the armed forces is not eligible for payment of EFC benefits.

.317 Section .316 shall not prohibit a nonminor who is in the reserve command of any branch of the armed forces or is a member of the National Guard from receiving foster care benefits until called upon to serve in active duty, assuming all other eligibility requirements of Section 45-311 or Section 45-312 are met, as appropriate.

Authority cited: Sections 10553 and 10554 and 11403(i), Welfare and Institutions Code.

Reference: Section 7901, Family Code; Sections 903(a), 10103.5, 11400(v)(1)(r), 11401.4, 11401.5, 11403, 11403(b), 11403(c), 11403(e), 11403(f)(1), 11405, 11461(a), 11464, 11465(d)(6), 11155.5 and 16501.1(f)(16)(A), Welfare and Institutions Code; and 42 USC 671, 672, and 675.



Adopt Section 45-311 to read:

**45-311**      **FEDERAL EFC PROGRAM REQUIREMENTS**

**45-311**

.1    If a youth was receiving federal foster care upon turning 18 years of age and continued in a foster care placement without interruption after 18, the nonminor continues to be eligible for federal foster care without a new eligibility determination.

.11    Linkage Upon Re-entry

.111    Youth who voluntarily re-enter Foster Care after turning 18 years of age following dismissal of dependency are considered to be entering a new Foster Care episode and a new eligibility determination is required.

.112    The AFDC eligibility determination shall be based on the nonminor's status as an adult; only the income and property of the nonminor is considered, without regard to the parents/legal guardians or others in the assistance unit in the home from which the youth was originally removed as a younger child, or any relatives with whom the youth is currently residing.

.2    Eligible Facilities

.21    The nonminor shall reside in an eligible facility listed in Section 45-202.5; or

.22    A certified housing unit of a licensed Transitional Housing Placement Plus Program; or

.23    An approved Supervised Independent Living Placement (SILP).

.231    A nonminor dependent in a SILP may live in the same home as his/her biological or adoptive parent or legal guardian from whom the nonminor dependent was removed and continue to receive a federal foster care payment.

.3    Eligible Payees

.31    Federal Financial Participation shall be available for payments made on behalf of a federally eligible nonminor dependent to the nonminor dependent when the nonminor dependent is residing in a SILP or to any of the payees in Section 45.301.111, .112, .114, or .115.

Authority cited: Sections 10553, 10554 and 11403(i), Welfare and Institutions Code.

Reference: Sections 11400(ad), 11402, 11403(a), 11403(b), 11403(d), 11403.2(a)(1); and 16519.5(c), Welfare and Institutions Code.

Adopt Section 45-312 to read:

**45-312 STATE EFC PROGRAM REQUIREMENTS**

**45-312**

- .1 If a youth was receiving State Foster Care prior to age 18 and continued in care after 18, then the nonminor dependent continues to be eligible for State Foster Care without a new eligibility determination.

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- .11 For those youth who are re-entering extended Foster Care, see Section 45-310.3.

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.2 Eligible Facilities

- .21 Except for youth receiving benefits pursuant to 45-312.5, the nonminor shall reside in an eligible facility listed in Sections 45-203.412 through .420; or
- .22 A certified housing unit of a licensed Transitional Housing Placement Plus Program; or
- .23 A Supervised Independent Living Placement.

.3 Eligible Payees

- .31 Under the State program, payments shall be made on behalf of a State eligible nonminor dependent to the youth when the youth is residing in a Supervised Independent Living Placement or to any of the payees in Sections 45.301.111, .112, 114 or .115, and .212 or .213.

.4 Foster Care Status at Age 18

- .41 The dependent or ward must have been in a foster care placement or had an order for foster care placement on his/her 18<sup>th</sup> birthday.

.5 Nonminors living with Nonrelated Legal Guardians (NRLG)

- .51 In order to determine whether a nonminor living with a NRLG is eligible for Extended Foster Care benefits, the county with payment responsibility must determine whether the guardianship was established in juvenile or probate court.

.511 Guardianships established in probate court or established out of state and registered pursuant to Family Code section 3445 or 3446 are not eligible for extended benefits.

.512 Nonminors whose guardianship was established in a California juvenile court are eligible for extended benefits as discussed in Section 45-312.53.

.52 Probate Guardianships

.521 When a child is receiving AFDC-FC benefits based upon residing with a probate court created nonrelated legal guardian and the child reaches 18, the youth shall continue to be eligible for AFDC-FC up to age 19, provided all the following conditions are met:

(a) The child was receiving AFDC-FC and attending high school or a vocational-technical training program on a full-time basis prior to reaching age 18;

(b) The child continues to:

(1) Meet the AFDC-FC eligibility requirements;

(2) Reside with the legal guardian;

a. The nonminor may live in a college dorm or other setting as required to access education opportunities as long as the guardians maintain support of the nonminor.

(3) Attend on a full-time basis either a high school or, if he/she has not completed high school, a vocational-technical training program which cannot result in a college degree as specified in Section 42-101.2 provided he/she is reasonably expected to complete either program before reaching age 19. Full-time attendance shall be defined and verified by child's school.

.522 The youth and the placement agency have signed a Mutual Agreement For 18 Year Olds – SOC 155B (Rev. 3/00) which is incorporated by reference, which documents the need to live with the guardian while the youth finishes school. The agreement shall be signed prior to or within the calendar month the child reaches age 18. A mutual agreement shall not be required if the placement is due to a court order which remains in effect or if the child is not capable of making an informed agreement. If the court order is

dismissed subsequent to the month in which the child reaches age 18, a mutual agreement must be executed within the month the dismissal occurs.

- (a) The income maintenance case record shall contain a statement from the placement worker, on the FC 2, which certifies that the mutual agreement or the court order is in the services case record or that the child is not capable of making an informed agreement. This certification shall occur prior to or within the month the child reaches age 18 and at redetermination of the child's AFDC-FC eligibility.

.523 The NRLG will receive the nonminor's EFC payment unless the nonminor can satisfy the conditions in Section 45-301.214 and be his or her own payee.

### .53 Juvenile Court Guardianships

.531 In order to be eligible for extended nonrelated legal guardianship (NRLG) benefits, a nonminor who lives in the home of the person who was the nonrelated legal guardian when the guardianship ended due to the nonminor attaining age 18 must meet the eligibility criteria specified below:

- (a) The age requirements of Section 45-310.1.
- (b) Sign a Mutual Agreement for Extended Foster Care – SOC 162 (Rev. 7/18) or, if there has been a break in continued foster care payments, a Voluntary Re-Entry Agreement for Extended Foster Care – SOC 163 (Rev. 7/18), in order to meet authority for placement requirements.
- (c) Continue to reside in the home of the person who was the nonrelated legal guardian when the nonminor attained 18 years of age unless 45-312.531(c)(1) applies.
  - (1) The nonminor may live in a college dorm or other setting as required to access education/employment opportunities, as long as the guardians maintain support of the nonminor.
- (d) Meet the participation requirements of 45-310.18.

.532 The NRLG will receive the nonminor's EFC payment unless the nonminor can satisfy the conditions in Section 45-301.214 and be his/her own payee.

.54 Formerly Receiving Federal Kin-GAP

.541 In order to be eligible for AFDC-FC upon turning 18 years of age, a nonminor who formerly received federal Kin-GAP must:

(a) Have attained 18 years of age while in receipt of federal Kin-GAP benefits pursuant to 45-604; and

(b) Reside with the Kin-GAP guardian who is described by 45-601(k)(1) and 45-601(r)(2)(B), (C), or (D); and

(c) Have been under the age of 16 at the time the Kin-GAP agreement commenced; and

(d) No longer be eligible for Kin-GAP; and

(e) Be otherwise eligible for extended benefits pursuant to Section 45-310.18.

.542 In addition to the conditions in .541 above, the identified Kin-GAP guardian must continue to be responsible for support of the nonminor.

Authority cited: Sections 10553, 10554 and 11403(i), Welfare and Institutions Code.

Reference: Sections 11391, 11402(h), 11405(e)(1), 11405(e)(2), and 11405(f), Welfare and Institutions Code.